

EXHIBIT 1

FILED IN MY OFFICE
2ND JUDICIAL DISTRICT COURT
BERNALILLO COUNTY, NM
CLERK OF THE COURT
3/20/2020 3:08 PM
Cathy Chavez

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

No: _____

No

Jason T. Gatlin)
Petitioner)
)
v.)
N.M. DEPT of Corrections)
CoreCivic, Inc)
Respondent)

CV 2020 02218

COMPLAINT TO RECOVER DAMAGES FOR INJURY

I NATURE OF COMPLAINT

This is a complaint to recover damages for injuries under the New Mexico tort Claims Act, Sec 41-4-1 et Seq., NMSA 1978, as amended, and any other or further applicable actions or rights of the Petitioner.

II JURISDICTION

This Court has jurisdiction over the parties and the subject matter herein, and this Court is the proper venue based on the residence of the parties and the place of occurrence.

III PARTIES

The Petitioner is Jason Gatlin, who resides at
THE Northern New Mexico Correctional Center,
Grants, New Mexico.

The Respondent(s) is/are:

New Mexico Department of Corrections.
Core Civic Inc.

And at all times mentioned herein the Respondents were acting within the scope of their employment and under color of state law.

Heathlife
TIAA

FACTS

Plaintiff Jason T. Gatlin is an inmate housed at Northern New Mexico Correctional Center, Grants New Mexico. The Penitentiary is owned by Core Civic Inc. Formerly Known as Corrections Corporation of America. Core Civic is under Contract to the State of New Mexico's Department of Corrections. THE Duran Decree was Accepted By The Courts as an easement to over crowding, medical care, mental health and more.

The Defendants are in Violation of the Duran Decree and Knowingly operated the Core Civic facility well above Maximum Capacity, Knowingly violated the Plaintiff's Constitutional rights. Defendants were in violation by intentional Inflictions of emotional distress, and mental and Emotional injury. Plaintiff Gatlin has for 3 years Slept within arms reach of another inmate which is a P.R.E.A Violation. MR Gatlin has had 5 or more Staph infections due to unsanitary living Conditions. The Same menu meals have been served for over 3 years.

IV ALLEGATIONS

COUNT 1:

Eighth And Fourteenth Amendments Violations.
Violation of inmates right to be free from cruel and unusual punishment and a right to be afforded a resonable degree of safety from Serious Bodily Harm. The Deprevaration of these Civil rights was Done in an Arbitrary and Capricious manner.

COUNT 2:

Eighth and Fourteenth Amendments Violation - Substantive Due Process. Plaintiff was at all material times under Care, Control and Custody of Defendants. Defendants were responsible for the health, Sanitation, and medical Care of inmates under their Care. Plaintiff suffered Deliberate, malicious Disregard of medical care.

COUNT 3:

Custom, Practice or Policy Causing violations of Constitutional Rights. Defendants acts and omissions were Pursuant to Policy and Custom Causing the Violations of the Constitutional rights of Plaintiff. Defendants acted with Reckless disregard for the rights of Plaintiff as Secured By The constitution.

COUNT 4:

NeGligence, NEGligent hiring, Training and Credentialing. Plaintiffs Rights were violated through one or more of the Following ACTS or omissions: I.) Failure to hire well qualified employees. II.) Failing to Provide or require adequate training of Personnel. III.) Failing to Provide Adequate guidelines for the Treatment, Safety and health of Inmates.

COUNT 5:

NEGligence PER SE. Defendants owed a duty to Plaintiff to use ordinary Care in Providing Services at NNMCC. By not Providing ordinary Care, Defendants acted willfully, Recklessly, and negligently by Inflicting Emotional Distress Through their extreme and outrageous Conduct

V PRAYER

WHEREFORE it is demanded the Court issue judgment against the Respondent(s) as follows:

- A. Award Plaintiff Gattin Compensatory damages in amount to be Proven at trial.
- B. Award Special Damages, in an amount to be Proven at trial.
- C. Award Punitive damages in an amount to be Proven at Trial.
- D. Award Pre-and-Post judgement interest as allowed By law.
- E. Award Plaintiff their costs and reasonable attorneys' fees incurred in prosecuting this ACTION.

Respectfully Submitted,

Dated: 3-3-20

/s/


Signature JASON GATTIN
P.O. Box 800
Grants NM 87020
No Phone

(THIS NEXT SECTION MUST BE COMPLETED BEFORE A NOTARY PUBLIC)

I, the Affiant, first being duly sworn have read the foregoing pleading and declare that the information contained therein is true and correct to the best of my knowledge.

/s/



STATE OF NEW MEXICO

County of Bernalillo

SUBSCRIBED AND SWORN to before me this 03 day of March, 2020.

/s/


NOTARY PUBLIC

My Commission Expires on the 11 day of October, 2023.

